

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 58TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: B. Graves/W. Anderson Reporter/Tape: D. Dedmon/K. Garcia Bailiff: H. Franco, P. Bellefeuille, G. Ozburn		Date: May 4, 2005 Department: 53 Time: 9:01 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA Defendant: Marcus Delon Wesson	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to adjournment of May 3, 2005, Court reconvenes at 9:01 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Court Reporter Kristi Garcia is present at 9:01 a.m.

The jury is brought into the courtroom at 9:02 a.m. and the trial resumes.

Detective Richard Byrd, having been previously sworn, resumes the witness stand at 9:02 a.m. for further direct examination by Lisa Gamoian, Chief Deputy District Attorney.

Peoples exhibit 796 is identified by Detective Richard Byrd as the interview of Dorian Wesson on March 30, 2004. Court exhibit 33 is also identified by Detective Richard Byrd as the transcript of the interview of Dorian Wesson on March 30, 2004.

Peoples exhibit 796 is received into evidence and played to the jury beginning at 9:20 a.m.

The Court admonishes the jury and stands in recess at 10:20 a.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 10:42 a.m.

Outside the presence of the jury, "In chambers" conference is held with Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People. Rafael Torres, Deputy Public Defender and Peter Jones, Chief Deputy Public Defender are present on behalf of Marcus Delon Wesson who is present with the aid of an electronic listening device.

The Court informs respective counsel that the Court Reporters will provide a listing of all exhibits that have been received and the list will be reviewed weekly. Court requests that respective counsel think about sending a redacted exhibit list to the jurors for deliberations.

Deputy Henry Franco informs the Court and respective counsel that juror #12 may possibly have a conflict with court dates after June 10.

The Court inquires from respective counsel a time estimate of the 402 hearing scheduled for Monday, May 9, 2005. Respective counsel will provide an estimate by tomorrow.

The jury returns to the courtroom at 10:50 a.m. and the trial continues with the playing of Peoples 796 to the jury. The tape concludes at 11:02 a.m.

Detective Richard Byrd, Fresno Police Department, resumes the witness stand at 11:03 a.m. for further direct examination by Lisa Gamoian, Chief Deputy District Attorney.

Peoples exhibit 795 is identified by Detective Richard Byrd as the interview of Adrian Wesson on March 30, 2004. Court exhibit 32 is also identified by Detective Richard Byrd as the transcript of the interview of Adrian Wesson on March 30, 2004.

Peoples exhibit 795 is received into evidence and played to the jury beginning at 11:06 a.m. and concludes at 11:49 a.m.

Witness, Detective Richard Byrd, is excused at 11:49 a.m., subject to recall.

Danny Solorio is sworn at 11:51 a.m. and testifies on direct examination by Lisa Gamoian, Chief Deputy District Attorney.

The Court orders all parties to be present at 1:30 p.m.
The Court admonishes the jury and stands in recess at 12:00 noon.

Court Reporter Kristi Garcia replaces Denise Dedmon at 1:30 p.m.

The jury returns to the courtroom at 1:30 p.m. and the trial continues.

Danny Solorio, having been previously sworn, resumes the witness stand at 1:30 p.m. for further direct examination by Lisa Gamoian, Chief Deputy District Attorney.

PEOPLES EXHIBIT 797(CASSETTE TAPE OF 911 CALLS ON MARCH 12, 2004) MARKED FOR IDENTIFICATION.

The Court admonishes the jury and the jury stands in recess at 2:08 p.m.

Outside the presence of the jury, the Court and respective counsel take up the matter of defense counsel's objection. Matter is argued and the Court overrules the objection.

The Court stands in recess at 2:20 p.m.

The jury returns to the courtroom at 2:35 p.m. and the trial continues.

Danny Solorio, having been previously sworn, resumes the witness stand at 2:35 p.m. for further direct examination by Lisa Gamoian, Chief Deputy District Attorney.

Rafael Torres, Deputy Public Defender begins cross examination at 2:51 p.m. of Danny Solorio.

The Court admonishes the jury and stands in recess at 3:25 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 3:45 p.m.

The jury returns to the courtroom at 3:45 p.m. and the trial continues.

Rafael Torres, Deputy Public Defender, resumes cross examination at 3:41 p.m. of Danny Solorio.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination at 3:45 p.m. of Danny Solorio.

The Court orders all parties to be present on May 5, 2005 at 9:00 a.m.

The Court admonishes the jury and the jury is excused at 3:52 p.m.

Outside the presence of the jury, "In chambers" conference is held with Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People. Rafael Torres, Deputy Public Defender and Peter Jones, Chief Deputy Public Defender are present on behalf of Marcus Delon Wesson who is present with the aid of an electronic listening device.

Deputy Henry Franco informs the Court and respective counsel that Juror #8 is ill.

The Court and respective counsel discuss the matter of the defense objection. Matter is argued and submitted. The Court sustains the objection.

The Court adjourns at 4:02 p.m.

Defendant, Marcus Delon Wesson, remains in the custody of the Fresno County Sheriff pending next hearing date.

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